

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 69

# **SENATE BILL 1137**

AN ACT

AMENDING TITLE 9, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 9-122; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 1, article 2, Arizona Revised Statutes,  
3 is amended by adding section 9-122, to read:

4 9-122. Unification of a city and a town

5 A. IF THE COMMON COUNCIL OF A CITY AND THE COMMON COUNCIL OF A TOWN  
6 WHOSE BOUNDARIES ARE WITHIN FIVE MILES OF EACH OTHER AT ONE OR MORE POINTS  
7 PASS A RESOLUTION REQUESTING AN ELECTION FOR THE PURPOSE OF UNIFYING THE CITY  
8 AND THE TOWN INTO ONE INCORPORATED CITY, AND A PETITION IS RECEIVED FROM THE  
9 UNINCORPORATED AREAS WHICH SEPARATE THE CITY OR TOWN BOUNDARIES OR ARE  
10 CONTIGUOUS TO THE BOUNDARIES AND IS SIGNED BY AT LEAST TEN PER CENT OF THE  
11 QUALIFIED ELECTORS IN SUCH UNINCORPORATED AREA, WITHIN SIXTY DAYS, THE BOARD  
12 OF SUPERVISORS OF THE COUNTY SHALL ADOPT A RESOLUTION CALLING AN ELECTION ON  
13 THE QUESTION OF THE UNIFICATION AND THE QUESTION OF THE NAME OF THE NEW  
14 PROPOSED CITY. THE ELECTION SHALL BE HELD ON A DATE PRESCRIBED BY SECTION  
15 16-204 BUT NOT MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE COUNTY RESOLUTION  
16 IS FILED. THE RESOLUTION SHALL SET FORTH THE FOLLOWING:

17 1. THE DATE ON WHICH THE ELECTION IS TO BE HELD.

18 2. THE PLACES WHERE VOTES MAY BE CAST. AT LEAST ONE PLACE SHALL BE  
19 DESIGNATED WITHIN THE CORPORATE LIMITS OF THE CITY AND THE TOWN AND THE  
20 UNINCORPORATED AREA PROPOSING THE UNIFICATION.

21 3. THE HOURS BETWEEN WHICH THE POLLING PLACES WILL BE OPEN.

22 4. THE NAME OF THE PROPOSED UNIFIED CITY.

23 B. THE ELECTION RESOLUTION SHALL BE PUBLISHED IN FULL AT LEAST ONCE,  
24 NOT LESS THAN THIRTY NOR MORE THAN SIXTY DAYS BEFORE THE DATE OF THE  
25 ELECTION, IN A NEWSPAPER PUBLISHED IN THE COUNTY. IF THERE IS NO SUCH  
26 NEWSPAPER, THE RESOLUTION SHALL BE POSTED IN FIVE CONSPICUOUS PLACES IN EACH  
27 OF THE MUNICIPALITIES AND THE AFFECTED UNINCORPORATED AREAS NOT LESS THAN  
28 THIRTY NOR MORE THAN SIXTY DAYS BEFORE THE DATE OF THE ELECTION.

29 C. AT THE ELECTION, THE BALLOT SHALL CONTAIN AND MAY BE LIMITED TO THE  
30 PHRASES "FOR THE UNIFICATION" AND "AGAINST THE UNIFICATION". A SQUARE  
31 APPROXIMATELY THE SIZE OF THE SQUARES PLACED OPPOSITE THE NAMES OF CANDIDATES  
32 ON BALLOTS SHALL BE PLACED TO THE RIGHT OF AND OPPOSITE EACH PHRASE. A VOTER  
33 SHALL INDICATE A VOTE FOR THE UNIFICATION OR AGAINST THE UNIFICATION BY  
34 MARKING THE BALLOT PURSUANT TO THE BALLOT INSTRUCTIONS. THE BALLOT IS NOT  
35 REQUIRED TO BE ANY PARTICULAR SIZE, AND SAMPLE BALLOTS ARE NOT REQUIRED.

36 D. ONLY QUALIFIED ELECTORS OF THE CITY, THE TOWN AND THE  
37 UNINCORPORATED AREAS SHALL VOTE ON THE QUESTION. IF A MAJORITY OF THE  
38 QUALIFIED ELECTORS VOTING ON THE QUESTION IN EACH AREA VOTES FOR UNIFICATION,  
39 THE BOARD OF SUPERVISORS SHALL DECLARE BY AN ORDER ENTERED OF RECORD THE  
40 CITY, TOWN AND UNINCORPORATED AREAS UNIFIED INTO ONE INCORPORATED CITY. THE  
41 ORDER OF THE BOARD SHALL DESIGNATE THE NAME OF THE CITY.

42 E. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE MANNER OF  
43 CONDUCTING THE REGISTRATION AND ELECTION, KEEPING THE POLL LISTS, MAKING THE  
44 RETURNS, DECLARING THE RESULTS AND DOING ALL ACTS RELATING TO THE ELECTION  
45 SHALL CONFORM TO THE PROCEDURE PROVIDED BY LAW FOR THE REGISTRATION AND

1 QUALIFICATION OF ELECTORS AND HOLDING SPECIAL ELECTIONS IN WHICH THE QUESTION  
2 OF ISSUANCE OF BONDS OF MUNICIPAL CORPORATIONS IS SUBMITTED TO AN ELECTION.

3 F. THE BOARD OF SUPERVISORS SHALL APPOINT THE FIRST COMMON COUNCIL FOR  
4 THE NEW CITY. THE BOARD OF SUPERVISORS SHALL APPOINT SEVEN MEMBERS AT LEAST  
5 TWO OF WHOM SHALL BE FROM EACH OF THE THREE AREAS UNIFIED. FOLLOWING  
6 APPOINTMENT, THE COUNCIL SHALL DESIGNATE ONE OF ITS MEMBERS TO SERVE AS  
7 MAYOR. AT THE EARLIEST POSSIBLE DATE FOLLOWING THE FORMATION OF THE NEW  
8 CITY, THE NEW CITY SHALL BE DIVIDED BY THE APPOINTED COUNCIL INTO SIX  
9 DISTRICTS, AND AN ELECTION SHALL BE CALLED TO FILL THE SIX COUNCIL DISTRICTS  
10 AND ELECT AT LARGE A DIRECTLY ELECTED MAYOR. THE MAYOR AND COUNCIL MEMBERS  
11 SHALL SERVE FOUR YEAR STAGGERED TERMS. AT THE FIRST ELECTION, THE THREE  
12 COUNCIL MEMBERS WITH THE HIGHEST VOTE SHALL SERVE FOUR YEAR TERMS AND THE  
13 THREE OTHER COUNCIL MEMBERS ELECTED SHALL SERVE TWO YEAR TERMS IN ORDER TO  
14 ACCOMPLISH STAGGERED TERMS FOR FUTURE ELECTIONS.

15 G. THE INCORPORATED LIMITS OF THE NEW CITY SHALL BE THOSE SHOWN ON THE  
16 RESOLUTIONS FROM THE INCORPORATED CITY AND TOWN AND SHALL BE THEIR COMBINED  
17 CORPORATE LIMITS PLUS THE UNINCORPORATED AREAS THAT APPEAR ON THE PETITION  
18 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION AND THAT ARE BETWEEN OR  
19 ADJACENT TO THE CITY AND THE TOWN. IN NO EVENT SHALL ANY SUCH PETITION  
20 INCLUDE LAND OR IMPROVEMENTS UTILIZED FOR MINING, METALLURGICAL OR RELATED  
21 ENVIRONMENTAL REMEDIATION PURPOSES WITHOUT WRITTEN CONSENT OF THE  
22 LANDOWNER. THE ORDINANCES AND RESOLUTIONS OF THE FORMER CITY, TOWN AND  
23 COUNTY SHALL CONTINUE IN FORCE UNLESS REPEALED OR CHANGED BY THE NEW COMMON  
24 COUNCIL, INCLUDING FRANCHISES AND TRANSACTION PRIVILEGE TAXES. IN THE CASE  
25 OF CONFLICT BETWEEN ORDINANCES OR RESOLUTIONS, THE ORDINANCES OR RESOLUTIONS  
26 OF THE FORMER CITY OR TOWN WITH THE LARGER POPULATION SHALL PREVAIL, EXCEPT  
27 THAT ZONING REGULATIONS APPLYING TO PROPERTY AT THE TIME OF UNIFICATION SHALL  
28 REMAIN IN EFFECT UNTIL THE COUNCIL OF THE NEW UNIFIED CITY ADOPTS A ZONING  
29 ORDINANCE APPLYING TO THE PROPERTY. THE NEW CITY SHALL BE LIABLE FOR ALL  
30 DEBTS AND LIABILITIES OF THE FORMER CITY AND TOWN AND SHALL BE ENTITLED TO  
31 RECEIVE ALL PROPERTY AND RIGHTS OF ACTION BELONGING TO THE FORMER CITY AND  
32 TOWN.

33 H. A CITY INCORPORATED PURSUANT TO THIS ARTICLE HAS ALL POWERS,  
34 DUTIES, RIGHTS AND PRIVILEGES GRANTED TO INCORPORATED CITIES AND TOWNS UNDER  
35 THE LAWS AND CONSTITUTION OF THIS STATE. FOR PURPOSES OF STATE SHARED  
36 REVENUES, INCLUDING STATE SALES TAX, STATE INCOME TAX, VEHICLE LICENSE TAXES,  
37 HIGHWAY USER REVENUES AND LOCAL TRANSPORTATION ASSISTANCE FUND MONIES, A  
38 COMBINED AMOUNT WHICH WOULD HAVE BEEN DISTRIBUTED TO THE FORMER TOWN AND CITY  
39 UNIFIED SHALL BE DISTRIBUTED TO THE NEW CITY UNTIL A COMBINED CENSUS COUNT  
40 INCLUDING THE UNINCORPORATED AREAS CAN BE OBTAINED. ONCE THE COMBINED CENSUS  
41 COUNT IS OBTAINED, THE UPDATED CENSUS COUNT SHALL BE USED FOR THE  
42 DISTRIBUTION OF THE STATE SHARED REVENUES RETROACTIVE TO THE FIRST OF THE  
43 MONTH FOLLOWING UNIFICATION. THE ANNUAL POPULATION ESTIMATE OF THE UNIFIED  
44 CITY PREPARED BY THE DEPARTMENT OF ECONOMIC SECURITY SHALL BE USED FOR  
45 DISTRIBUTION OF LOCAL TRANSPORTATION ASSISTANCE FUND MONIES.

1        I. THE UNIFIED CITY SHALL HAVE A PROPERTY TAX LEVY LIMIT CALCULATED  
2 AS THE COMBINED MAXIMUM ALLOWABLE LEVY LIMIT OF THE TOWN AND CITY UNLESS  
3 ANOTHER LEVY LIMIT IS APPROVED BY THE VOTERS OF THE UNIFIED CITY AT A  
4 REGULARLY SCHEDULED ELECTION. THE EXPENDITURE LIMIT OF THE UNIFIED CITY  
5 SHALL BE THE ALTERNATIVE EXPENDITURE LIMITATION OF THE LARGEST CITY UNTIL THE  
6 FISCAL YEAR FOLLOWING THE UNIFIED CITY'S FIRST GENERAL ELECTION. AT SUCH  
7 ELECTION, THE COUNCIL MAY PROPOSE AN ALTERNATIVE EXPENDITURE LIMITATION OR  
8 PERMANENT BASE ADJUSTMENT AND IF NOT APPROVED THE UNIFIED CITY'S EXPENDITURE  
9 LIMITATION SHALL BE CALCULATED USING THE FORMULA PROVIDED FOR A NEWLY  
10 INCORPORATED CITY UNLESS SUBSEQUENTLY CHANGED BY THE VOTERS.

APPROVED BY THE GOVERNOR APRIL 24, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2002.

Passed the House April 15, 2002,

Passed the Senate March 12, 2002

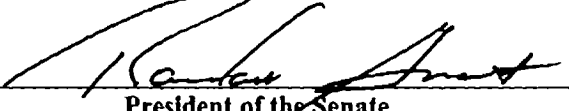
by the following vote: 55 Ayes,

by the following vote: 27 Ayes,

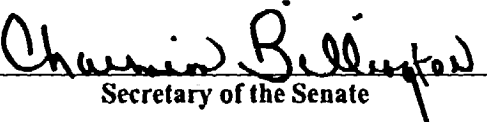
1 Nays, 4 Not Voting

0 Nays, 3 Not Voting

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Chief Clerk of the House

  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Governor of Arizona

S.B. 1137

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.  
\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 22, 2002

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

Kandice Smith  
President of the Senate  
Channing Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 2002

at 3:15 o'clock P M.

Jandra Ramirez  
Secretary to the Governor

Approved this 24 day of

April, 2002,

at 12:25 o'clock P M.

Rene Verza  
Governor of Arizona

S.B. 1137

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2002

at 9:43 o'clock A M.

Betsy Bayless  
Secretary of State